

Kenneth L. Robinson, Esq.
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September 26, 2013

Express Mail

Beverly Kolenberg, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007-1866

Re: Notice of Potential Liability and Request for Information Pursuant to the
Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§
9607(a) and 9604(e), Related to the New Cassel/Hicksville Ground Water Contamination
Superfund Site in the Town of Hempstead, North Hempstead and Oyster Bay in Nassau
County, New York

Dear Ms. Kolenberg:

We are the attorneys for Atlas Graphics, Inc. ("Atlas") in regard to the matters discussed
in your July 31, 2013 correspondence. Atlas has asked us to more fully respond to this letter on
its behalf.

First, enclosed are Responses of Atlas to the Request for Information, certified by
Richard A. Degenhardt.

Second, enclosed please find a copy of the documents referred to in the Responses.

Respectfully submitted,


Kenneth L. Robinson, Esq.

KLR:jc
Encl.

cc: ✓ Atlas Graphics, Inc. (w/o encl.)
Jennifer LaPoma - Remedial Project Manager

246710



REQUEST FOR INFORMATION

1.
 - a. State the correct legal name and mailing address of your Company.
 - b. State the name(s) and address(es) of the President, Chief Executive Officer and the Chairman of the Board (or other presiding officer) of the Company.
 - c. Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation, and in New York State.
 - d. If your Company is a subsidiary or affiliate of another corporation or entity, identify each of those other corporations or entities and for each, the President, Chief Executive Officer and Chairman of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each corporation identified in your response to this question.
2. Identify the address, Section, Block and Lot numbers, and the size of each property (hereinafter, "Property" or "Properties") that your Company either presently owns and/or formerly owned within the Site from the date your Company, or any related company had an ownership interest. (See Definitions section for terms.)
3. For each Property identified in response to question 2. in which your Company has and/or had an ownership interest currently or in the past, please identify:
 - a. The date your Company acquired an ownership interest. An ownership interest includes, but is not limited to, fee owner, lessor or lessee, licensee and/or operator;
 - b. The name and address of all other current and/or previous owners;
 - c. All individuals or entities that have leased, subleased or otherwise operated at each Property at any time currently or in the past, and identify the dates (month and year) that each such individual or entity began and ended its leasehold interest or its operations;
 - d. Any portion of any Property which was transferred or sold, and the block and lot number, the date of the transfer or sale, the sale price and the entity that acquired the Property;
 - e. The relationship, if any, between your Company and each of the individuals and/or other entities identified as having leased or operated at each Property;
 - f. Your Company's involvement in all operations conducted by each lessee and/or other individual or entity identified in response to question 3c., above; and
 - g. For each Property, provide all documents relevant to your responses to questions

3a.- 3f., above, and provide copies, including, but not limited to, copies of surveys, title search documents, deeds, rent rolls, leases and correspondence.

4. Provide copies of all maps, building plans, floor plans and/or drawings for each Property identified in response to question 2., above. Your response to this question should include, but not be limited to, providing plumbing and drainage system plans for all structures on each Property.

For both current (if still in operation) and past operations during the period of time that the Company was at a Property, please identify and provide a description of the following:

- a. all surface structures and features (e.g., buildings, above-ground storage tanks, paved, unpaved areas and parking lots, and dates when paved areas were paved);
 - b. all past and present plumbing systems, above and below-ground discharge piping, sumps, storm water drainage systems, sanitary sewer systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks ; and
 - c. all currently existing and previously existing chemical and industrial hazardous substance storage, transfer, spill and disposal areas.
5. For each Property identified in question 2., above, at which your Company conducted operations, describe in detail the manufacturing processes and/or other operations that your Company conducted at the Property, and identify the years during which your Company conducted operations there. If those operations were not constant throughout your Company's operations, describe the nature of all changes in operations, and state the year of each change. If detailed information about your Company's operations is not available, provide, at a minimum, a general description of the nature of your Company's business at the Property, the years of operation, the type of work your Company conducted, and the number of employees for all the operations.
 6. With respect to industrial wastes at a Property:
 - a. List all industrial wastes that were used, stored, generated, handled or received by your Company at the Property. Your response to this question should include, but not be limited to, use, storage, generation and/or handling of trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), 1,1,1-trichloroethane ("1,1,1-TCA") and other chlorinated or non-chlorinated solvents. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content;
 - b. State when each industrial waste identified in your response to question 6a., above, was used, stored, generated, handled or received, and state the volume of each industrial waste used, stored, generated and/or handled on an annual basis; and

- c. Describe the activity or activities in which each industrial waste identified in your response to question 6a., above, was used, stored, handled or received.
7. Describe in detail how and where the industrial wastes identified in response to question 6., above, were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis. For those time periods when a precise quantity is not available, provide an estimate.
8. Describe in detail any knowledge your Company has about intentional or unintentional disposal of industrial wastes at each Property identified in response to question 2., above, including, but not limited to, TCE, PCE and/or other chlorinated or non-chlorinated solvents or wastes containing such solvents, at any time currently or in the past. Your response should include instances in which industrial wastes were spilled or otherwise disposed onto or into the floors or the ground from septic systems, pipes, drains, drums, tanks, or by any other means. Provide copies of all documents relevant to your response.
9. Identify all leaks, spills, or releases of any kind of any industrial wastes (including, but not limited to, TCE and PCE or other chlorinated or non-chlorinated solvents or wastes containing such solvents) into the environment that have occurred, or may have occurred, at or from the Property, including any leaks or releases from drums and other containers. Provide copies of all documents relevant to your response.
10. Explain whether any repairs or construction were implemented to address any leaks, spills, releases or threats of releases of any kind, the nature of the work and the dates of any such work. Provide copies of all analyses, characterizations, environmental assessments or studies or any report or other description of any investigations, removal actions, remedial activities, or any other work conducted by your Company or by any other party on your Company's behalf relating to industrial wastes released at or from the Property and/or the Site. If any copies of the records requested in this question are available electronically, kindly submit your answer to this question on a disk.
11. Provide copies of all insurance policies held and indemnification agreements entered into by the Company which may potentially indemnify the Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Property. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those that were in effect during any portion of the time the Company conducted operations at, or held a property interest at the NCIA. Your response should also identify the specific Property related to each policy and/or agreement.
12. State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, generation, disposal of or handling of industrial wastes at the Site, the transportation of such materials to the Site, or the identity of any companies whose material was treated or disposed of at the Site.

13. If you have information or documents which may help EPA identify other companies that conducted operations, owned property, or were responsible for the handling, use, storage, treatment, or disposal of industrial wastes that potentially contributed to chlorinated solvent contamination at the Site, please provide that information and those documents, and identify the source(s) of your information.
14. Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether each such person has personal knowledge of the answers provided.

Responses of Atlas Graphics, Inc. to
Request for Information

September 26, 2013

1 a/b. Richard A. Degenhardt, President and sole shareholder
Atlas Graphics, Inc. ('Atlas')
8164 Laurel Green Drive
Spring Hill, Florida 34606

1. c. Atlas Graphics, Inc. was incorporated in the State of New York on February 17, 1947. The agent for service of process in New York State is the New York State Secretary of State.

1. d. Atlas is not a subsidiary or affiliate of another entity.

2. Atlas never owned any real property.

3. Not applicable.

4. Not applicable

5. No property was identified in No. 2. Notwithstanding, Atlas conducted a printing business at 567 Main Street, Westbury, New York (the "Premises") during the period from or about June 1, 1977 through on or about September 30, 2002.

6. No property was identified in No. 2. Notwithstanding, Atlas used trichloroethylene ("TCE") to manufacture printing plates at the Premises. As of 1996, Atlas ordered only one hundred ten (110) gallons per year of this substance. TCE was used in a processor that holds only seventy five (75) gallons of this substance.

7. No waste trichloroethylene was disposed at the Premises except that detectable amounts of TCE were found in a cesspool at the Premises.

8. Atlas has no information regarding the intentional or unintentional disposal of industrial wastes at the Premises. The Premises were connected to the Nassau County sewer system in November of 1980 and the cesspool was abandoned.

9. Atlas has no information regarding leaks, spills or releases of industrial wastes at the Premises except as described in Response No. 7.

10. After May 1980, Atlas had the cesspool pumped out and had the wastes disposed of by a licensed hazardous waste recycling contractor. Atlas retained Anson Environmental, Inc. ("Anson") to perform a Phase II investigation of the Premises. The subsurface soil investigation

did not indicate a source of volatile organic compounds at a concentration that would cause groundwater degradation. (See April 1996 Petition to Delist). On October 30, 1995 and January 14, 1996, Anson sampled the soil and groundwater at seven (7) locations at the Premises. In August 1993 and October 1995, the NYSDEC-supervised contractor sampled MW N-111843 on the western perimeter of the Premises.

On or about February 29, 2000 Atlas entered into an Order on Consent with New York State Department of Environmental Conservation ("NYSDEC") to implement the remedy selected by DEC for the Premises. During October 2000, Atlas retained Anson to install a Soil Vapor Extraction System and Air Sparge System at the Premises to remediate the contaminated soil in the area of the former cesspool on the west side of the Premises. The May 31, 2001 Soil Vapor Extraction and Air Sparge Systems Design Report, by Anson, was submitted by Atlas in connection with Voluntary Cleanup Program Site No. 01-30-034B. Air samples from the remediation system were collected on or about January 12, 2001. The remediation system operated until in or about 2003-2004.

11. Atlas has no insurance policies or indemnification agreements regarding CERCLA liability. A document reflecting insurance in effect as of May 21, 1980 is enclosed.

12. Persons with knowledge or information or documents are:

Richard A. Degenhardt
c/o Robinson & Associates, PC
35 Roosevelt Avenue
Syosset, New York 11791
516-496-9044

Anson Environmental, Ltd.
771 New York Avenue,
Huntington, New York 11743
1-631-351-3555

13. Atlas has no such information except for information developed by the NYSDEC.

14. Richard A. Degenhardt
c/o Robinson & Associates, PC
35 Roosevelt Avenue
Syosset, New York 11791
516-496-9044

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of *New York*County of *Nassau*

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information regarding the New Cassel/Hicksville Site) and all documents submitted herewith, and that I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

RICHARD A. DEGENHARDT

TITLE (print or type)

PRESIDENT

SIGNATURE

Richard A. Degenhardt

Sworn to before me this

*26th*day of *September* 2013

Notary Public

Kenneth Robinson
KENNETH ROBINSON
Notary Public, State of New York
No. 4792005
Qualified in NASSAU County
Commission Expires MAY 31, 2015

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the
Development and Implementation
of a Remedial Program for Operable Unit 1
of an Inactive Hazardous Waste Disposal
Site, Under Article 27, Title 13,
and Article 71, Title 27 of the
Environmental Conservation Law
of the State of New York by
by

ORDER
ON
CONSENT
INDEX #W1-0861-99-16

Atlas Graphics, Inc.
Respondent.

Site Code #01-30-043B

WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is issued pursuant to the Department's authority under, inter alia, ECL Article 27, Title 13 and ECL 3-0301.
2. Atlas Graphics, Inc. ("Respondent") is a domestic corporation organized under the laws of the State of New York and has offices at 567 Main Street, Westbury, County of Nassau, State of New York. Respondent currently owns and operates the property located at 567 Main Street in the New Cassel Industrial Area ("NCIA"), Westbury, NY 11590 (the "Site"). The Department maintains that past Site operations at the property have contaminated groundwater beneath and downgradient of the Site with high levels of volatile organic compounds. A Site map is attached as Exhibit "A" of this Order.
3. The Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2, and presents a significant threat to the public health or environment. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York as Site No.1-30-043B. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.
4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the

**PETITION TO DELIST FROM THE
INACTIVE HAZARDOUS WASTE DISPOSAL REGISTRY
SITE # 1-30-043B**

**ATLAS GRAPHICS
567 MAIN STREET
WESTBURY, NEW YORK**

APRIL 1996

Soil Vapor Extraction and Air Sparge Systems Design Report

Voluntary Cleanup Program Site No. 01-30-034B

Site Location:

**Atlas Graphics, Inc.
567 Main Street
Westbury, NY 11590**

Date of Report:

May 31, 2001

Prepared by:

**Anson Environmental Ltd.
771 New York Avenue
Huntington, NY 11743**

"Your Environmental Partner"

I. Dachs & Sons, Inc.

EST. 1895

INSURANCE

9 PARK PLACE
GREAT NECK, N.Y. 11021

(212) 961-2200
(516) 829-6300

ATLAS GRAPHICS INC.
567 Main St.
Westbury, New York 11590

3/21/80 pjl
**INSURANCE
BINDER**

- ACKNOWLEDGMENT

INSURANCE HAS BEEN PLACED FOR YOUR ACCOUNT AS PER BINDER. PLEASE NOTIFY US IF THIS INFORMATION IS NOT CORRECT. POLICY/ENDORSEMENT IS BEING PREPARED AND WILL BE SENT TO YOU SHORTLY.

THE UNDERSIGNED COMPANY OR COMPANIES HEREBY AGREE TO INSURE AGAINST RISKS AS DESCRIBED. THIS AGREEMENT BINDING FOR ACCOUNT OF ASSURED UNTIL SATISFACTORY ACCEPTANCE OF POLICY OR ENDORSEMENT BY I. DACHS & SONS INC

EFFECTIVE DATE 5/21/80 19

NAME OF INSURANCE COMPANY Federal Ins. Co. ATTN:Commercial Property Dept.

TYPE OF POLICY Property Package Policy Incl. Liability at LOC.:567 Main St.,
Westbury, NY #MP35047951 Renewal

POLICY LIMITS/AMOUNTS

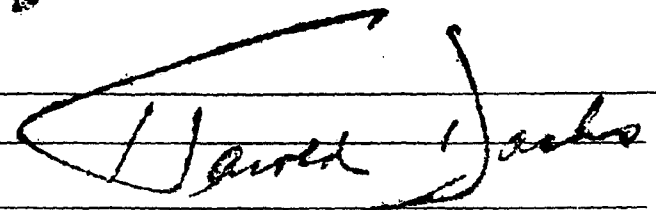
Renew as per Expiring

DESCRIPTION/REMARKS:

NAME OF MORTGAGEE (IF ANY)

COUNTERSIGNED on the effective date shown above at:

By



INSURED'S COPY